



## **OFFICIAL MINUTES**

### **MEETING OF THE MINTURN TOWN COUNCIL Minturn Town Center, 302 Pine Street Minturn, CO 81645 • (970) 827-5645**

**Wednesday April 20, 2011**

**Work Session – 5:30pm  
Regular Session – 7:00pm**

**MAYOR – Gordon “Hawkeye” Flaherty  
MAYOR PRO TEM – George Brodin**

**TOWN MANAGER – Jim White  
TOWN CLERK/TREAS – Jay Brunvand**

#### **COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry Bumgarner  
Aggie Martinez  
John Rosenfeld

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

### **Work Session – 5:30pm**

- Discussion/ Ordinance 5 – 2011 an Ordinance adopting the 2009 IBC – Cerimele/Lanci (45min)
- Discussion/ Ordinance 7 - 2011: An Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310 C.R.S. as amended – Brunvand (15min)
- Discussion: Council meeting start times – White (15min)

### **Regular Session – 7:00pm**

- 1. Call to Order**
  - a. Roll Call
  - b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 7:02pm.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Shelley Bellm, Jerry Bumgarner, John Rosenfeld, Aggie Martinez, and Earle Bidez.

Staff present: Town Manager Jim White, Town Treasurer/Clerk Jay Brunvand, Town Planner Chris Cerimele and Attorney Allen Christensen.

## **2. Approval of Agenda**

### **a. Items to be Pulled or Added**

Addition of 12a – The appointment of a representative to the Eagle County Airport Study Committee

Motion by Shelley B., second by George B., to approve the agenda as amended; all voted in favor.

## **3. Approval of Minutes and Action Report**

### **• Action Item Report**

Action updates: Jim W. noted the Maloit Park annexation is not on the agenda due to attendance conflicts and the School District requested more time to review the issue brought up by Council. The item will be on the May 4, 2011 meeting for consideration.

## **4. Public comments on items, which are NOT on the agenda (5 minute time limit per person)**

Ms. Lisa Osborne, Town of Minturn Police Dept. announced April is Sexual Assault Awareness month. On April 28 a series of vignettes will be presented in a play depicting myths and facts of sex assault at Eagle Valley HS at 7pm.

On April 30 the Town will be participating in a national prescription drug take back initiative. Any prescription drug no longer used or needed may be turned in 10-2pm at the town Hall. This is a safe way to dispose of potentially dangerous drugs.

Further information on either of these topics may be obtained by calling the Minturn Police Department at 827-4272

## **5. Special Presentations/Citizen Recognition**

### **• Introduction of Jodi Born – Minturn Community Fund**

Mr. Andy Kaufman, Minturn Community Fund, introduced Ms. Jodi Born as the new Director of the Minturn Community Fund. Ms. Born spoke of her excitement and a brief list of summer events to include Little Beach Park band concerts and movie nights throughout the summer.

## **6. Planning Commission Update**

The Planning Commission did not meet on 4.13.11 as there were no new development applications to consider. Meetings will resume in May to discuss open space requirements for subdivisions and Planned Unit Developments.

### **Building Code Update**

The first reading of the ordinance to adopt the 2009 building codes is scheduled for tonight's meeting. Chuck Lanci, Building Official, will be present to discuss the proposed amendments to the codes. The adoption of the fire code is also included in the ordinance. Adoption of the 2009 International Fire Code will establish guidelines for recreational fires in Minturn.

### **ECO Trail – Phase 2**

As requested by the Council at the last meeting, staff has followed up with Peter Runyon regarding his contacts with Union Pacific. Peter has initiated contact with Union Pacific on behalf of Minturn and they have indicated that they will need more information before they would consider the request for a revocable trail easement. They are primarily concerned with liability issues and trespassing. Staff is preparing a map of the proposed alignment for Union Pacific.

## **7. Town Manager's Report**

Jim W. noted the Vail Ski and Snowboard Club was approved by the Eagle County School District to use the Minturn Middle School for its club base once the School District closes the middle school.

### **Eagle County/State Land Board/USFS**

#### **Consider Land Swaps**

I attended a collective meeting at the USFS involving the parties involved in the Eagle County land swap discussions. The two properties involved that are located in Minturn are the CDOT operations center on the north end of Town across the road from the Vail Bone Yard and the Cross Creek property at the south end of Town. The CDOT property is a high priority in the discussions while the Cross Creek parcel is one of the three lowest priorities identified during the discussion held at the Forest Service. Chris Cerimele, Town Planner, also attended the site tour for the potential CDOT facility in Minturn.

### **Medical Marijuana**

Following the Minturn citizens' vote not to ban medical marijuana centers, staff research and work on the medical marijuana issue over the past several months has resulted in a draft ordinance. The first draft of the Town of Minturn's Medical Marijuana Ordinance will be discussed beginning at the May 4, 2011 Town Council meeting.

### **Signage**

We have secured the services of House of Signs to construct and install the Town entryway signage. Verbal support for placement of the sign on USFS land has been given by Dave Neely, District Ranger. The USFS has a formal written process it needs to complete for final approval.

Dave indicated he would be processing the request with his approval. Installation is planned now during the first two weeks of June.

### **Battle Mountain Update**

Elizabeth Mitchell, Holland & Hart attorney, will continue discussion with Battle Mountain representatives to prepare responses to the EPA which are required by the fall of 2011. We will continue to strategize with Battle Mountain Development to represent our areas of interest and concern.

### **Holy Cross Franchise Agreement Extension**

The Town of Minturn and Holy Cross representatives met on February 9, 2011 to begin review of the existing Franchise Agreement. Subsequently, we have extended our franchise through September 21, 2011. Holy Cross representatives will attend the Minturn Town Council meeting on May 4, 2011 to begin formal franchise renewal discussions.

Hawkeye requested a map of the Holy Cross service area to be provided to Council.

### **Highway 24 Clean Up**

Highway 24 Clean Up will be held on Saturday, May 7, 2011. The time of the Clean Up will be approximately 9am until noon. There will be a BBQ beginning at 2pm at the base of Arrowhead for all volunteers.

### **Annual Town Clean Up Day**

The Town of Minturn will hold its Annual Town Clean Up Day this year on Saturday, May 14, 2011. The Municipal Lot will be the designated drop off site. Arrangements are being made for special pick-ups for seniors and those with disabilities who need assistance. **Old tires and refrigerators (with the Freon removed) will be accepted. Hazardous Waste will NOT be accepted.**

### **Town Hall Building and Public Works Building Energy Audits Considered**

We are planning to receive a cost estimate and a proposal on an energy audit for both the Town Hall building and the Public Works building from SGM Engineering, located in Glenwood Springs. We have not made a commitment to perform the audit; however we are seeking the preliminary information so we can make a recommendation.

### **Colorado Municipal League Annual Conference**

Please consider attending the CML Annual Conference this year in Vail, CO. The conference is from June 22-June 24, 2011. The information and registration is available on the CML website.

I will be completing my term as President and assuming the role of Immediate Past President. It has been an honor to serve in this role this past year and I am very grateful for the support the Town Council has afforded me to fulfill the duties and responsibilities of the position.

John R. asked if the Colorado Supreme Court had made a decision regarding the pending water cases we have in conjunction with the Battle Mountain Resort annexation; yes, they announced they will be hearing the case and are requiring briefs by Monday.

Shelley B. asked if the property dispute on Battle Mtn. had been resolved; no, but the Supreme Court did decide to hear the case. All the issues are interrelated.

## **8. Town Council Comments**

John, congrats to Vail Ski and Snowboard Club on their efforts at the Minturn Middle School. The release of the ladybugs will be held May 7<sup>th</sup> from 10-2pm at the garden center. The actual release time will be at noon.

## **PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

### **9. Discussion/Action – Public Works Update – Arnold Martinez (30min)**

Arnold M. gave an update of the various facilities in Public Works and the cleanup efforts they have been undertaking to improve function and safety at the water plant specifically but throughout the department in general. The presentation included the conditions of the various infrastructure assets such as streets and sidewalks. Public Works is preparing for clean up day and the highway cleanup.

Discussion ensued as to the deteriorating condition of the various roads and what can be done to curb the continuing deterioration. This included crack seal, pothole repair, small replacement and large scale overlay of roads.

Public Works is preparing for high water runoff with sandbags and other safety measures and noted the recent training they have been attending in Defensive Driving and Heavy Equipment Operation..

Council expressed their support of Public Works. John R. commended Public Works on the snow removal over the past winter.

Mr. John Volk, Southwest Water, noted the upgrades and monitoring being done at the water plant to ensure the safe water supply and any issues that may occur. Mr. Volk noted the upgrades to the telemetry system which allows water monitoring of the tanks from the water plant. The three water pumps are being worked on. Any major work on the pumps will be done one at a time to reduce the issues of down time operations. Mr. Volk noted the online water monitoring for the Council.

Mr. Steve Humann, TST, handles the engineering functions of the plant. Mr. Humann outlined the continuing efforts of ensuring the plant is operating safe and efficiently and what infrastructure upgrades are on the horizon.

Mr. Joe Tom Wood, Martin and Wood Water Engineering, reviewed the water use and the water use limits we have on our water rights and noted that we are under our limits by combining the use of well water and river water. The management of the water collection and the various

ongoing repairs the Town has made result in a positive difference on our water consumption and more specifically on our water loss.

Mr. Don Taranto, TST, summarized the strides and improvements that have been made over the past year or so. This was highlighted as real progress on cost saving measures. The upgrades have made the system safer and much more efficient for our citizens. Aggie M. noted that the electronic upgrades are fine but we do need a manual backup where our Public Works crew is out making sure things are running well.

Hawkeye asked about the dredging of the intake pond; it is important but not a top priority yet. What disinfection are we using; Hypochlorite, we do not use chlorine. Hypochlorite is a safer chemical. Training is being provided to the operators to maintain and improve their certifications.

**10. Discussion/Action – Ordinance 5 – 2011 (First Reading) An Ordinance of the Town of Minturn repealing and reenacting Articles 1-8 of Chapter 18 of the Town of Minturn Municipal Code and replacing those sections with Articles 1-10 to adopt by reference the 2009 Building Codes by reference – Cerimele/Lanci (30min)**

Hawkeye introduced the ordinance and read the title. Shelly B. noted this states it is the 2008 electric code not the 2009, this will be corrected to reflect it as the 2009 electric code as necessary for second reading. Hawkeye noted this was reviewed with Chris C., Town Planner and Chuck Lanci, Town Building Inspector. Aggie M. asked for clarification on the geographic information; Chris will provide the information to council for the next meeting.

Discussion ensued as to what other communities are doing on the International Energy Conservation Code standards that are included in the code section. Chris C. will provide this information of what other communities within Colorado are doing with respect to this section.

Motion by John R., second by Shelley B., to table for 30 days to the June 1, 2011 Council meeting, Ordinance 5 – 2011 (First Reading) An Ordinance of the Town of Minturn repealing and reenacting Articles 1-8 of Chapter 18 of the Town of Minturn Municipal Code and replacing those sections with Articles 1-10 to adopt by reference the 2009 Building Codes by reference as presented; all voted in favor.

**11. Discussion/Action – Ordinance 6 – 2011 (First Reading) an Ordinance of the Town of Minturn amending Chapter 7 of the Municipal Code by repealing and re-enacting Sections 7-4-90 and 7-8-80 as they pertain to open burning within the Town – Cerimele (15min)**

Discussion ensued as to if this ordinance could or should be passed if Ordinance 5-2011 is not; it was determined that it would be appropriate to consider this ordinance at this time. Shelley B. felt the 2009 Fire Code should be brought forward separate from the other codes. Hawkeye noted the extinguishment authority is both the Eagle Fire District and the Minturn Police Department and also noted the restrictions of where a fire can be lit as to setbacks and permanent structures.

Motion by Jerry B., second by John R., to approve Ordinance 6 – 2011 (First Reading) an Ordinance of the Town of Minturn amending Chapter 7 of the Municipal Code by repealing and re-enacting Sections 7-4-90 and 7-8-80 as they pertain to open burning within the Town as presented; all voted in favor.

**12. Discussion/Action – Ordinance 7 – 2011 (First Reading) an Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant License pursuant to the provision of Section 12-47-310 C.R.S. as amended – Brunvand (15min)**

Hawkeye introduced and read Ordinance 7-2011. Jerry B. recommended to table this until the State legislature decides on SB 11-066. Council directed Staff to provide background information on SB 11-066. It was directed to have Chief Martinez available to comment at the May 4<sup>th</sup> meeting and until we are able to pass our own legislation we will either entertain an application for a Special Event Permit and administer it in the normal course of business or allow 3.2 liquor to be brought in by attendees on a BYOB status as we have in the past.

Discussion ensued as to if we are excluding Special Event Permits. Staff was directed to review the concerns expressed and how they might be addressed in the proposed Ordinance.

Motion by John R., second by Aggie M., to table to May 4th Ordinance 7 – 2011 (First Reading) an Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310 C.R.S. as presented; all voted in favor.

**12a Discussion/Action – Addition of 12a – The appointment of a representative to the Eagle County Airport Task Force**

Jim W. noted that he has had Jerry Bumgarner and Michael Gallagher express interest in this position.

Motion by George B., second by Shelley B., to appoint Jerry Bumgarner as the Town representative to the Eagle County Airport Task Force; all voted in favor.

**EXECUTIVE SESSION**

**13. Executive Session - Pursuant to CRS 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations and instruct the negotiators for the purpose of discussing the Town receiving bids on annual contracts and for the purpose of discussing the Town Prosecuting attorneys first quarterly review – White/Christensen**

Motion by Shelley B., second by George B., to convene in Executive Session Pursuant to CRS 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to

negotiations and instruct the negotiators for the purpose of discussing the Town receiving bids on annual contracts; all voted in favor.

The Executive Session ended at 9:35 at which time the Council reconvened the meeting.

Direction was given to proceed with a Request for Proposals for our summer park landscaping maintenance and irrigation.

## FUTURE AGENDA ITEMS

### 14. Next Meeting – May 4, 2011

- Executive Session - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive legal advice regarding Environmental Protection Agency (EPA) and Colorado Department of Public Health comments on the Battle Mountain Resort project Remediation Feasibility Study Amendment– White/Christensen (60min)
- Add fire code discussion
- Add Start time discussion
- Add park and open space money for the USFS Boneyard
- Worksession discussion re: Ordinance \_\_\_ - 2011 (First Reading) an ordinance regarding the sale of Medicinal Marijuana (45min) – May 4
- Discussion/Action – Ordinance 6 – 2011 (Second Reading) an Ordinance of the Town of Minturn amending Chapter 7 of the Municipal Code by repealing and re-enacting Sections 7-4-90 and 7-8-80 as they pertain to open burning within the Town – Cerimele (15min)
- Discussion/Action – Ordinance 7 – 2011(Second Reading) An Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310 C.R.S. as amended – Brunvand (15min)
- Discussion/Action – Ordinance 1 – 2011 (Second Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 1 – Cerimele (15min) – May 4
- Discussion/Action – Ordinance 2 – 2011 (Second Reading) an Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Eagle County School District Maloit Park Parcel No. 2 – Cerimele (15min) – May 4
- Discussion/Action – Ordinance 3 - 2011 (Second Reading) an Ordinance authorizing the Mayor of the Town of Minturn, Colorado to sign an annexation agreement with the Eagle County School District – Cerimele (15min) – May 4
- Discussion/Action – Ordinance 4 – 2011 (Second Reading) An Ordinance establishing zoning on parcels of land known as the Eagle County School District Maloit Park Property annexed to the Town of Minturn, Colorado and amending the official zone district map of the Town of Minturn, CO.– Cerimele (15min) – May 4

### 15. Future Meeting

- Discussion/Action – Ordinance \_\_\_\_ - 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana – May 18
- Discussion/Action – Ordinance \_\_\_\_ - 2011 (Second Reading) an Ordinance allowing the sale of Medical Marijuana – June 1
- Discussion/Action – Ordinance 5 – 2011 (Second Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci (30min)
- 

### 16. Set Future Meeting Dates

a) Council Meetings:

- May 4, 2011
- May 18, 2011
- June 1, 2011

b) Planning & Zoning Commission Meetings:

- April 27, 2011
- May 11, 2011
- May 26, 2011

c) Other Dates:

- May 14, 2011 Town Clean Up Day
- June 18, 2011 1<sup>st</sup> Day of Minturn Market
- June 22-24 CML Annual Conference/Vail

### 17. Adjournment

Motion by Shelley B, second by Aggie M., to adjourn at 9:40pm; all voted in favor.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand



### 15. Future Meeting

- Discussion/Action – Ordinance \_\_\_\_ - 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana – May 18
- Discussion/Action – Ordinance \_\_\_\_ - 2011 (Second Reading) an Ordinance allowing the sale of Medical Marijuana – June 1
- Discussion/Action – Ordinance 5 – 2011 (Second Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci (30min)
- 

### 16. Set Future Meeting Dates

a) Council Meetings:

- May 4, 2011
- May 18, 2011
- June 1, 2011

b) Planning & Zoning Commission Meetings:

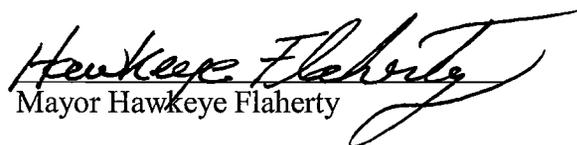
- April 27, 2011
- May 11, 2011
- May 26, 2011

c) Other Dates:

- May 14, 2011 Town Clean Up Day
- June 18, 2011 1<sup>st</sup> Day of Minturn Market
- June 22-24 CML Annual Conference/Vail

### 17. Adjournment

Motion by Shelley B, second by Aggie M., to adjourn at 9:40pm; all voted in favor.

  
Mayor Hawkeye Flaherty

ATTEST:

\_\_\_\_\_  
Town Clerk, Jay Brunvand